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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/071,615	02/05/2002	Paul Stoxen	03292.101180.	9857
66569 7590 11/26/2008 FITZPATRICK CELLA (AMEX) 30 ROCKEFELLER PLAZA NEW YORK, NY 10112				
EXAMINER STERRETT, JONATHAN G				
ART UNIT 3623		PAPER NUMBER		
MAIL DATE 11/26/2008		DELIVERY MODE PAPER		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

### Office Action Summary

**Application No.**

10/071,615

**Applicant(s)**

STOXEN ET AL.

**Examiner**

JONATHAN G. STERRETT

**Art Unit**

3623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 10 November 2008.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 2-18 and 39 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 2-18 and 39 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☒ Notice of Draftperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)  
Paper No(s)/Mail Date 11-10-08
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

#### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11-10-08 has been entered.

This **Non-Final Office Action** is responsive to the amendment of 11-10-08.

**Claims 2-18 and 39** are pending in the application. **Claims 1 and 19-38** are cancelled.

2. This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

#### ***Response to Argument***

3. The applicant's arguments have been fully considered but are moot in view of

new grounds of rejection.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. **Claims 2-18 and 39** are rejected under 35 U.S.C. 103(a) as being unpatentable over McDonough US 6,070,142 (hereinafter **McDonough**) in view of Cunningham US 6,014,645 (hereinafter **Cunningham**) and further in view of Carleton, US 2001/0044840 (hereinafter **Carleton**)

Regarding **Claim 39**, McDonough teaches:

**a computerized client interface system configured to accept a plurality of event requests from at least one or more customer; and**

Figure 3 #320, VRU's are a client interface configure to accept request data from customers calling in (i.e. client's) – (McDonough also teaches a web, i.e. internet and thus client / server interface – see Figure 4).

**a computerized account processing system configured to facilitate fulfillment of the plurality of event requests, the computerized account processing system including:**



McDonough's system is a service request fulfillment system for interaction with customers, while much of McDonough's system is VRU based, McDonough does teach that the internet is a way for customer's to interact with the system. While McDonough does not teach the VRU functionality being available to the internet to service customers, Official Notice is taken that it is old and well known in the art to provide the even request processing using the internet.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding providing event request processing using business logic through a VRU system, to provide the event request processing using the internet, because it would provide a predictable and known way to service customers using the internet.

McDonough does not teach, but Cunningham teaches:

**wherein one of the plurality of clients is enabled to add a new worker utility to the computerized account processing system,**

column 3 line 30-35, the employment of card service servers are worker utilities added based on the selection of various possible credit card offers (see line 38-40). Since the credit card servers are communicating with the web server, the card servers are communicated according to a set of standards for web communication

Column 3 line 45-53, the number of servers (used by the clients, i.e. the credit bureaus and card service companies, can be added by the clients based on the number

of transactions.

**the new worker utility being configured to perform tasks to fulfill event requests on behalf of two or more of the plurality of clients.**

Column 3 line 45-53, the addition of the additional servers fulfills event requests (i.e. performs the necessary transactions) on behalf of the clients.

Cunningham teaches a web-based system for providing customers with the flexibility Cunningham Figure 2 request fulfillment (i.e. credit card offer) is best suited for their needs. Cunningham teaches using the web using a client interface provides a way to access the necessary financial institution and credit rating information to automatically and easily provide a credit card for customers.

McDonough teaches that customers can interact with a computerized system to access their account information (i.e. including transaction information). Although McDonough teaches a call center environment, McDonough does teach using computer and web automation so that customers can obtain the information they need and make the best choices regarding the selection of various services (see column 2 line 35-39). McDonough teaches that providing an expanded, comprehensive source of information to customers improves the efficiency of providing customer service and improves customer satisfaction because customers can easily and quickly find the information they need (see column 3 5-10, 35-45). McDonough teaches the connection of various computer sources to serve the customer (see column 3 line 16-20, some customers are coming into the call center from non-traditional venues, including the internet).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough to include the teachings of Cunningham, regarding the use of a client system to service customers, because it would improve customer service by automating the accessing of worker utilities to process event requests so that customers can quickly and easily make the best choice for their needs.

McDonough and Cunningham do not teach, but Carelton teaches:

**wherein one of the plurality of handler systems includes a test handler configured to:**

**determine, at a predetermined testing time, a status of each of the plurality of handler systems and the at least one worker utility, the status indicating whether at least one of the corresponding handler system and worker utility is available to perform tasks associated with the plurality of event requests,**

para 50, the monitoring systems monitor status of systems on the network, including

para 54, the status of the system is monitored according to time intervals specified by business rules.

**store the status and a corresponding time the status was determined for the plurality of handler systems and the at least one worker utility,**

para 84, the history of faults and when they occurred is stored in the system.



**adjust the predetermined testing time based on at least one of the stored status and a volume of the plurality of event requests,**

para 54, if the device has not timed out, then monitoring is continued based on the stored status (i.e. the device is still operable) based on the intervals specified by the business rules.

**determine, based at least in part on the status, a time slot during which the plurality of clients are permitted to submit the plurality of event requests, and**

para 75, the history shows, based on the status, a plurality of time slots when the various devices were operable.

**communicate, to the plurality of clients, the status and the time slot;**

para 75, the system graphs for a device show when the device was operable versus inoperable.

Carleton, McDonough and Cunningham all address computer systems that provide services to users, thus they are all analogous art.

Carleton teaches that understanding when errors occur in a system provides for a benefit (para 80). Carleton teaches that this monitoring provides for the administrator to be able to optimally configure the network for utilization (para 7).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of Cunningham and McDonough to include the

network monitoring teachings of Carleton, because it would have provided a predictable result through monitoring the handler systems and worker utility so that the network providing services to customers can be optimally configured.

Regarding **Claim 2**, McDonough teaches providing servers to provide access to customers over the web (see column 6 line 59-61). The use of servers to provide service to the customer also include for fax, email and video. McDonough does not teach the use of a server to run the application software for account processing.

The use of servers to run applications is old and well known in the art. Servers are known to provide a standardized and reliable platform for which to run applications.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding using a computer system to provide customer service, to include the step of running the system using a server, because it provide a reliable way to provide customer service over the internet.

Regarding **Claims 3 and 4**, McDonough teaches employees using computers and using servers as the hardware platform for providing service to customers.

McDonough does not teach where:

said application server is a J2EE-compliant Java Application Server, as per

Claim 3; and wherein said handler is a software module deployed as a Java Object, as per Claim 4.

However, using Java as a programming language (i.e. to create Java Objects), as per Claim 4; and using a J2EE-compliant Java Application Server, as per Claim 3, are known standards in the art of computing that provide the benefit of reliability in utilizing the Java (and associated J2EE hardware standard).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding using servers to provide customer service, to include the steps using Java as a programming language (i.e. to create Java Objects), as per Claim 4; and using a J2EE-compliant Java Application Server, as per Claim 3, because it would provide a reliable hardware and software application for providing customer service.

Regarding **Claim 5**, McDonough teaches:

**a dispatcher configured to determine which one of said handler systems will process each of the plurality of event requests, and to transmit each of the plurality of event requests to one of the plurality of handler systems.**

Figure 3 #360, the routing engine directs customer requests for service (i.e. event requests) to the appropriate handler system (i.e. the call center employee's desktop). See also column 7 line 33-35.

Regarding **Claim 6**, McDonough teaches:

**An interface, wherein at least one worker is configured to perform a specific task by communicating with said interface.**

Column 8 line 25-30, calls routed to a worker use a workstation interface to handle the calls (i.e. perform a specific task by handling the call, since the call is routed to the worker based on the kind of call it is).

Regarding **Claim 7**, McDonough teaches providing a loan to a customer (column 12 line 45-50 but does not teach the worker interfacing with any one of the following to do so:

**credit bureaus, databases, new card services, card authorization services, general accounts system, and new card services.**

However, it is old and well known in the art to interface with a credit bureau for processing a loan for a customer to determine if the customer is creditworthy.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding a worker providing customer service to upsell a new loan to a customer, to have the worker interface with a credit bureau as part of the upsell task, because it would ensure the customer is creditworthy for the new loan.

Regarding **Claim 8**, McDonough teaches:

**wherein said at least one of the plurality of handler systems is configured to facilitate a new account application process.**

Column 12 line 45-50, routing calls to CSR's based on upsell opportunities for a new loan, facilitate a new account application process for that loan.

Regarding **Claim 9**, McDonough teaches:

**wherein at least one of the plurality of handler systems is configured to execute fulfillment logic to deliver at least one of: a product and a service.**

Column 7 line 35-40, the routing rules (i.e. fulfillment logic) route a call based on the customers implied or expressed need (i.e. need for products or services).

Regarding **Claim 10**, McDonough teaches:

**wherein at least one of the plurality of handler systems is configured to facilitate an authentication of a user.**

Column 10 line 64-68, customers calling in identify themselves to the VRU. – see also column 7 line 35-40, the DNIS and ANI information along with customer profile information is used to authenticate the customer. –see also column 8 line 30, the customer's identify has been established due to an authentication.

Regarding **Claim 11**, McDonough teaches determining a customer's identity, as discussed above. McDonough also teaches that customers can request services and

products over the internet. McDonough does not teach:

**wherein at least one of the plurality of handler systems is configured to facilitate a sign-on process for online users.**

It is old and well known in the art to require user's to sign-on (i.e. a sign on process) using a user ID and password to authenticate their identity. Using a password and ID in combination is known to provide a secure way to authenticate a customer (i.e. facilitate a sign-on process).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding facilitating a sign-on process using a password/ID combination, because it would authenticate the customer attempting to logon to their account over the internet.

Regarding **Claim 12**, McDonough teaches:

**at least one of the plurality of handler systems is configured with communication protocols for communicating with the at least one worker utility.**

Column 9 line 55-60, CORBA is used for messaging in handling calls (i.e. a communication protocol for communicating with the system to handoff calls and requests to the appropriate functionality).

Regarding **Claim 13**, McDonough teaches:

**wherein said at least one worker utility performs a discrete unit of work to perform a specific task.**

Column 11 line 65-column 12 line 4, requests are routed to workers based on the resource requirements for that particular request (i.e. the discrete unit of work to perform the specific task associated with a customer. The system uses a discrete unit of work to handle a task associated with a request because the system is balancing requests with resources – see column 12 line 65- column 13 line 3). As noted above, a worker utility updating a customer's address is a discrete unit of work, i.e. updating text fields noting a customer's new address.

Regarding **Claim 14**, McDonough teaches:

**wherein at least one of said plurality of event requests includes an event selected from a group of events including:** online banking account set-up, credit bureau access, epay account set-up, brokerage account set-up, membership banking set-up, user authentication, **electronic payment**, savings account set-up, checking account setup, and rewards program setup.

Column 12 line 45-50, the customer is contacting to pay off a loan (i.e. an electronic payment). The customer who has a checking account may be sold other services.

Column 9 line 48-50, customers request a loan payment (i.e. an electronic payment).

Regarding **Claim 15**, McDonough teaches:

At least one worker utility comprises one or more of the following worker utilities:

**an email worker;**

Figure 3 #358 "email server" is an email worker.

**a Credit Bureau Interface worker;**

**an application specific worker;**

**a profile worker; and**

column 6 line 1-10, updating a customer's address invoking a utility is a profile worker, i.e. the customer's profile.

**a data capture worker.**

Regarding **Claim 16**, McDonough teaches routing service requests to handle customers who may be interested in a new loan, as discussed above. McDonough does not teach where the worker handling the customer request is a CBI (i.e. Credit Bureau Interface):

However, it is old and well known in the art to interface with a CBI to determine if a customer is creditworthy when the customer is applying to borrow money (i.e. a loan).

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough about providing an upsell opportunity to a customer for a new loan, to include the step of the worker interfacing with a CBI, because it would provide for a determination of the customer's creditworthiness for the new loan.



Regarding **Claim 17**, McDonough teaches upselling customers on new products they may be interested in, including new loans. McDonough teaches using software objects (i.e. worker utilities) as discussed above, but McDonough does not teach:

**said CBI worker utility is configured with suitable protocols for communicating with a CBI server; wherein said CBI server interfaces with at least one credit bureau.**

Cunningham teaches:

**said CBI worker is configured with suitable protocols for communicating with a CBI server;**

column 3 line 28-33, the user applies for credit at a website, where the server hosting the website communicates with a card service server (i.e. a CBI server)

**wherein said CBI server interfaces with at least one credit bureau.**

Column 3 line 28-33, the card service server interfaces with the servers of other credit bureaus (i.e. at the Credit Bureau Interface) to determine the user's creditworthiness.

McDonough teaches that users may request service from an internet portal.

Cunningham's invention provides for matching credit cards with users who apply over the internet by providing for a credit bureau interface. Cunningham's invention, since it operates over the internet, provides for significant savings over other methods of

a user securing a credit card, since it is able to access a number of financial institutions for a given user (column 1 line 25-30). Cunningham's invention also increases customer satisfaction by providing them with a number of credit card offers to choose from (column 2 line 3-5, the examiner interprets customers being able to learn of and reviewing their options as increasing their customer satisfaction, since it is improving their selection process).

McDonough and Cunningham both address utilizing computer networks to provide customer service through a computerized system running on those networks, thus both McDonough and Cunningham are analogous art.

It would have been obvious to one of ordinary skill in the art at the time of the invention to modify the teachings of McDonough, regarding offering an upsell loan to a customer, to include the automated credit bureau interface of Cunningham, because it would automate the locating of various credit card offers for a customer and thus improve their customer satisfaction at being able to better select a credit card.

Regarding **Claim 18**, McDonough teaches:

**further comprising a web server user interface configured to interact with said client interface system.**

Figure 3 #354, customers may place a service request through a web server.

***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Tentij US 6513129 discloses a system for fault management

Bowman-Amuah (U.S. Pat. No. 6,370,573 B1) discloses a system, method and article of manufacture for managing an environment in a development architecture framework.

Cogger et al. (U.S. Pat. No. 6,032,184) discloses a system and method for opening and tracking trouble tickets.

Groath et al. (U.S. Pat. No. 6,571,285 B1) discloses a method providing service assurance for a network to maintain an agreed upon Quality of Service.

Turnbull et al. (U.S. Pat. No. 6,389,426 B1) discloses a system and method for managing the collection, trending, and tracking of trouble ticket data.

Fearn et al. ("Designing Tivoli Solutions for End-to-End Systems and Service Management", June 1999) discloses providing an end-to-end systems and service management solution using Tivoli applications

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jonathan G. Sterrett whose telephone number is 571-272-6881. The examiner can normally be reached on 8-6. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Beth Boswell can

be reached on 571-272-6737. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

JGS 11-23-08

/Jonathan G. Sterrett/

Primary Examiner, Art Unit 3623